THE HON'BLE Mr. JUSTICE B. SUDERSHAN REDDY

And

THE HON'BLE Mr. JUSTICE S. ANANDA REDDY

W.A. No.1393 of 2005

DATE: 01-09-2005

Between:

Male Ranga Reddy S/o. M. Buchi Reddy,

aged 62 years, Occ: Retired employee,

R/o.H.No.1-2-270/88,

Opposite Hitech Bus Stand,

Suryapet, Nalgonda District. .. Appellant

AND

The Joint Collector,

Nalgonda, Nalgonda District

& 3 others. .. Respondents

THE HON'BLE Mr. JUSTICE B. SUDERSHAN REDDY

AND

THE HON'BLE Mr. JUSTICE S. ANANDA REDDY

W.A. No.1393 of 2005

JUDGMENT: (Per Hon'ble Mr. Justice B. Sudershan Reddy)

This Court by its order, dated 08-08-2005, directed notice before admission and all the respondents are served with notice. In spite of service of notice, none appeared on behalf of the 4th respondent.

Heard the learned counsel for the appellant and the learned Government Pleader for Revenue.

The unsuccessful writ petitioner is the appellant in this writ appeal. He filed the writ petition seeking to declare the inaction of respondents 1 and 2 in considering and disposing of the representations, dated 19-07-2003, 03-02-2004 and 18-06-2004 submitted by him as illegal and arbitrary.

He claims to be true and absolute owner of the land admeasuring Ac.1-04¾ guntas of land situated at Pillamarry village, Suryapet Mandal, Nalgonda District, having purchased the same under registered sale deed, dated 04-06-1969, from the predecessor in title. He claims to be in possession and enjoyment of the said land.

The 4th respondent obtained pattadar passbook and title deeds in respect of the very same land and after procuring the same, he filed O.S. No.267 of 2002 on the file of the learned Junior Civil Judge, Suryapet, Nalgonda District, for perpetual injunction in which the appellant had already filed his written statement and contesting the suit.

The appellant invoked the jurisdiction of the 2nd respondent by submitting the representations dated 19-07-2003, 03-02-2004 and 18-06-2004 for cancellation of the pattadar

passbook and the title deeds issued in favour of the 4th respondent and with a further prayer to issue pattadar passbook and title deeds in his favour. The gravamen of the complaint in the instant writ petition relates to inaction on the part of the 2nd respondent in considering and taking an appropriate decision on the representations made by the appellant/ petitioner.

Learned single Judge dismissed the writ petition on the ground that there is a dispute regarding ownership of the land in question. Learned Judge also proceeded under the impression, as if, the appellant entertained the apprehension that respondents 1 and 2 are likely to cancel his pattadar passbook. The complaint of the appellant is in fact, otherway, *inter alia,* complaining that no pattadar passbook has been issued in his favour and instead of issuing the same in his favour, the 2nd respondent had wrongly issued the pattadar passbook and the title deeds in favour of the 4th respondent.

Be that as it may, it is not possible for this Court to adjudicate the question as to whether it is the appellant or the 4th respondent who is entitled to grant of pattadar passbook and title deeds. The dispute raised by the petitioner that the 4th respondent is not entitled to any pattadar passbook and title deeds is required to be enquired into by the 2nd respondent, who is the competent authority, along with the appellant's claim for grant of pattadar passbook and title deeds.

The only direction that can be given by this Court is to direct the 2nd respondent to examine the representations stated to have filed by the appellant and take an appropriate decision thereon in accordance with law after putting the

4th respondent on due notice and providing an opportunity of being heard to both the appellant as well as the

4th respondent.

With the observations and direction as above, the Writ Appeal is disposed of without any order as to costs.

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B. SUDERSHAN REDDY, J

Date:01-09-2005.

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S. ANANDA REDDY, J

PV